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Supreme Court U.S.
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APPENDIX

R. ROBERT SEEVER, CLERK

Supreme Court of the United States

No. 70-5030

MARGARET PAPACHRESTOU, ET AL.,
Petitioners,

—V.—

CITY OF JACKSONVILLE

ON WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS
OF FLORIDA, FIRST DISTRICT

PETITION FOR CERTIORARI FILED OCTOBER 7, 1970
CERTIORARI GRANTED JUNE 14, 1971

Supreme Court of the United States

No. 70-5030

MARGARET PAPACHRISTOU, ET AL.,
Petitioners,

—v.—

CITY OF JACKSONVILLE

ON WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS
OF FLORIDA, FIRST DISTRICT

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CHRONOLOGICAL LISTING OF IMPORTANT EVENTS

- January 29, 1969 Hugh Brown arrested.
- February 4, 1969 Hugh Brown tried, convicted, and sentenced in the Municipal Court.
- February 20, 1969 Jimmy Lee Smith arrested.
- February 27, 1969 Jimmy Lee Smith tried, convicted, and sentenced in the Municipal Court.
- March 18, 1969 Henry Edward Heath arrested.
- March 27, 1969 Henry Edward Heath tried, convicted, and sentenced in the Municipal Court.
- April 18, 1969 Thomas Owen Campbell arrested.
- April 20, 1969 Margaret M. Papachristou, Betty Jean Calloway, Eugene Eddie Melton, and Leonard Johnson arrested.
- May 1, 1969 Thomas Owen Campbell tried, convicted, and sentenced in the Municipal Court.
- May 8, 1969 Margaret M. Papachristou, Betty Jean Calloway, Eugene Eddie Melton, and Leonard Johnson tried, sentenced, and convicted in the Municipal Court.
- November 28, 1969 Convictions and sentences of all parties affirmed by Circuit Court (after consolidation of all cases for appeal).
- December 29, 1969 Petition for Writ of Certiorari filed by all parties in District Court of Appeal, First District of Florida.

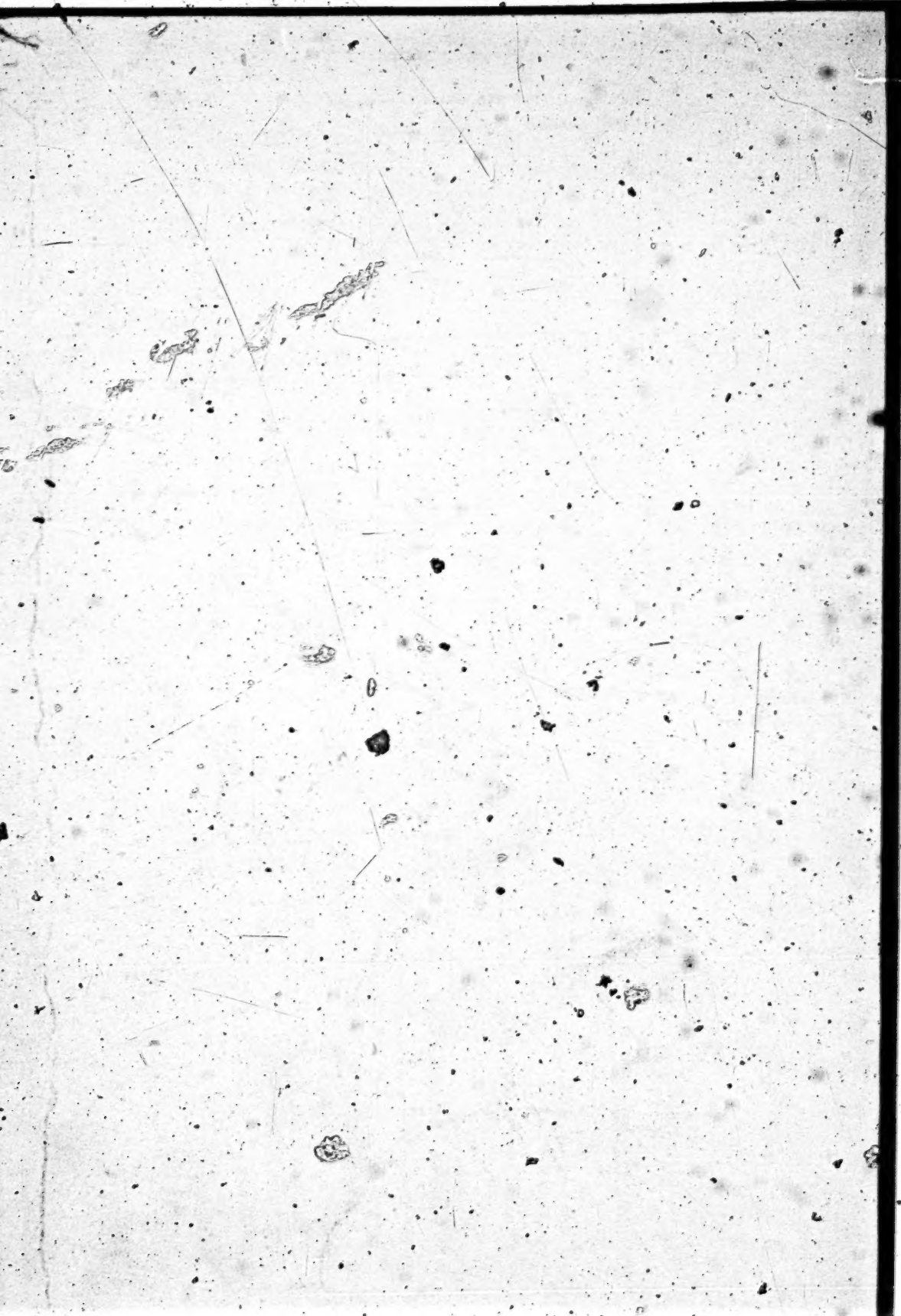
CHRONOLOGICAL LISTING OF IMPORTANT EVENTS
—Continued

June 9, 1970

Opinion issued by District Court of Appeal, First District of Florida, dismissing Petition for Writ of Certiorari.

June 25, 1970

Mandate issued by District Court of Appeal, First District of Florida.



| | | | | | | | | | |
|---------------------------------|--------|------------|---------------|----------------|----------------|-----------------------------|-------------|---------------|--|
| LAST NAME | | FIRST NAME | | MIDDLE | | (A) (INDEX) | | ARREST NUMBER | |
| CROWN, HUGH (N) | | | | | | | | 01343 | |
| ADDRESS | | | | | | | | | |
| 520 BROAD ST. | | | | | | | | | |
| RACE | SEX | AGE | DATE OF BIRTH | PLACE OF BIRTH | OCCUPATION | DATE | DAY OF WEEK | TIME BOOKED | |
| N | M | 25 | 14MAR43 | JAX FLA | PLAYGROUND DIR | 29JAN69 | WED | 2:23A M | |
| HEIGHT | WEIGHT | BUILD | HAIR | EYES | COMP | SCARS, TATTOOS, AMPUTATIONS | | | |
| 5'8 | 145 | SLIM | Black | Brown | Dark | | | | |
| DESCRIPTION AND FINGERPRINTS BY | | | | | | | | | |
| W. M. SAPP | | | | | | | | | |
| TIME | | | | | | | | | |
| 230A M | | | | | | | | | |

| | | | |
|----------------|---------------------|------------|---|
| WHERE ARRESTED | | BEAT NO. | TIME ARRESTED |
| CHURCH & BROAD | | 31 | 1:40A M |
| TRANSPORTED BY | SOCIAL SECURITY NO. | JPD ID NO. | HOW ARREST MADE |
| 416 | | | ON VIO <input checked="" type="checkbox"/> CALL <input type="checkbox"/> WARRANT <input type="checkbox"/> |
| COMPLAINANT | | PHONE | |

| | | | |
|--|--|----------------|--|
| J.H. JOHNS JPD | | STATE | |
| OFFENSES CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED) | | DISPOSITION | |
| VAGRANCY DISORDERLY LOITERING ON STREET | | BOND\$35. (A) | |
| DISORDERLY CONDUCT RESISTING ARREST WITH VIOLENCE | | BOND\$250. (B) | |
| ROBBERY OF NARCOTICS | | (C) 200-200 | |
| (D) | | (D) | |
| WITNESS | | | |

| | | | |
|----------------------------------|-----------|------------------------|-----------------|
| ARRESTING OFFICER | BADGE NO. | SEARCHING OFFICER | BOOKING OFFICER |
| J.H. JOHNS | 235 | 4-4 | WHALEY |
| DATE AND TIME TO APPEAR IN COURT | | PROPERTY SIGNED FOR BY | |
| 29 JAN 69 8:30 A | | M | |
| PRISONER RELEASED ON | | IN SUM OF | |
| BY (SIGNATURE) | | TIME | |
| DATE | | CONTINUED DATE | |
| ABOVE BOND DELIVERED TO ME | | | |

| | | | |
|---|--|--------------|--|
| PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, YEAR, MAKE, TAG) | | NARRATIVE | |
| KEY, KNIFE, CHAPSTICK | | CAPT. DANSON | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | |
|--|--|
| EVIDENCE: 2 PIECES OF ROLLED TIN FOIL WITH WHITE SUBSTANCE | |
| | |
| | |
| | |

CASE

TRANSCRIPT OF RECORD FROM DOCKET BOOK 1 PAGE 01343 (1969)
In the Municipal Court of the City of Jacksonville, Duval County

State of Florida

CHARGE

THE CITY OF JACKSONVILLE

Vagrancy Disorderly Loitering
on Street

vs.

Disorderly Conduct Resisting
Arrest with Violence

NM 25

Hugh Brown

Possession of Narcotics

Defendant

Defendant arrested by officer J. H. Johns The Chief of Police took

from the defendant Dollars, as security for his appearance before the

City Court. Said defendant, being called for trial on the day of
and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be
estreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from
the said the sum of Dollars,

for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

Defendant being arraigned for trial on the 29th day of January, 1969

Continued until

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. H. Johns

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$

Bondsman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,

RECEIVED the sum of Dollars
in satisfaction of this judgment.

(Recorder)

After hearing the evidence and duly considering the same, the Court finds the defendant

Hugh Brown

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced
(A) 90 days (B) 90 days (C) Not Bros

To imprisonment in the city jail for a term of 180 days, and is so committed.

from the defendant _____ Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be estreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

Defendant being arraigned for trial on the 29th day of January, 1969

Continued until _____

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. H. Johns

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$ _____

Bondsman

SATISFACTION OF JUDGMENT ASSESSING FINE

Jacksonville, Fla., _____

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

(Recorder)

After hearing the evidence and duly considering the same, the Court finds the defendant

Hugh Brown

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced
(A) 90 days (B) 90 days (C) NOL PROS
To imprisonment in the city jail for a term of 180 days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter

Attest: Clerk Of Municipal Court

By: *[Signature]*
Deputy Clerk Municipal Court

(Recorder)

Judge Municipal Court

From the above judgement and sentence the said Hugh Brown by his attorney, Samuel Jacobson, appealed to the Circuit Court in and for Duval County, and gave bond with Allegheny Mutual Casualty Company of \$500 Dollars, as required by law, which was approved.

Attest: S. Morgan Slaughter

Clerk Of Municipal Court

By: *[Signature]*
Deputy Clerk Municipal Court

(Recorder)

Judge Municipal Court

Return filed with Clerk of Appellate Court

A. D.

| | | | | | | | | | |
|------------------------------|--------|---------------------|---------------|----------------|------------|-----------------------------|-------------|---------------|-------------|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ALIASES) | | ARREST NUMBER | |
| SMITH | | JIMMIE | | LEE | | | | 02653 | |
| ADDRESS | | | | | | | | | |
| 1734 W. UNION ST | | | | | | | | | |
| RACE | SEX | AGE | DATE OF BIRTH | PLACE OF BIRTH | OCCUPATION | DATE | TIME BOOKED | DAY OF WEEK | NATIONALITY |
| N | M | 21 | 21DEC42 | JAX FLA | LABOR | 20FEB69 | 10:10AM | THURS | AMER |
| HEIGHT | WEIGHT | BUILD | HAIR | EYES | COMP | SCARS, TATTOOS, AMPUTATIONS | | | |
| 5'10" | 165 | Med | Bk | Bk | Bk | | | | |
| DESCRIPTION AND FINGERPRINTS | | | | | TIME | | | | |
| | | | | | 12:25 PM | | | | |
| WHERE ARRESTED | | | | | | | | | |
| BROAD & ADAMS STS. | | | | | | | | | |
| TRANSPORTED BY | | SOCIAL SECURITY NO. | | APPROX NO | | HOW ARREST MADE | | BEAT NO. | |
| CAR 2331 | | | | 1384675 | | | | 231 | |
| COMPLAINANT | | | | ADDRESS | | IN VIEW | | CALL | |
| | | | | | | | | XX | |
| | | | | | | | | WARRANT | |
| | | | | | | | | PHONE | |
| | | | | | | | | | |
| | | | | | | | | TIME ARRESTED | |
| | | | | | | | | 10:05A | |
| | | | | | | | | M | |

OFFENSES CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED)

VAGRANCY - VAGABCN

BOND \$100.00

30 Days

Appeal Bond 500

(B)

(C)

(D)

WITNESS

| | | | |
|----------------------------------|----------------|----------------------------|-----------------|
| ARRESTING OFFICER | BADGE NO. | SEARCHING OFFICER | BOOKING OFFICER |
| A. JONES | 4-2 | E LEE JR | ANDRESON |
| DATE AND TIME TO APPEAR IN COURT | | PROPERTY SIGNED FOR BY | |
| 21 FEB 69 | | L W STANLEY JR | |
| PRISONER RELEASED ON | IN SUN OF | TIME | CONTINUED DATE |
| | | | 2-27 |
| DATE | BY (SIGNATURE) | ABOVE BOND DELIVERED TO ME | |
| | AD | | |

PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, CAR, MAKE, TAG) NARRATIVE

3-6-69

BY INDEX PRINT

N

Refunded 2-27-69

ck. #489

ARREST NUMBER

| | | | | | | | | | | |
|---------------------------------|--|------------|-------|---------------|------|----------------|-----------------------------|--------------|-----------------|-------------|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ALIASES) | | DAY OF WEEK | | |
| HEATH, | | HENRY | | EDWARD | | | | TUE | | |
| ADDRESS | | | | | | | | | DATE | TIME BOOKED |
| 8451 OSTEEN ST. | | | | | | | | | 18 MAR 69 | 10:45PM |
| RACE | | SEX | AGE | DATE OF BIRTH | | PLACE OF BIRTH | | OCCUPATION | | |
| W | | M | 25 | 12 MAR 43 | | JAX., FLA. | | TICKET AGENT | | |
| HEIGHT | | WEIGHT | BUILD | HAIR | EYES | COMP | SCARS, TATTOOS, AMPUTATIONS | | | |
| 5-11 | | 185 | MED | BRN | Haz | Fair | | | | |
| DESCRIPTION AND FINGERPRINTS BY | | | | | | | | | TIME | |
| Ralph J. Jensen | | | | | | | | | 11:05P M | |
| WHERE ARRESTED | | | | | | | | | BEAT NO. | |
| 1913 NEBLICK RD | | | | | | | | | 3223 | |
| TRANSPORTED BY | | | | | | | | | TIME ARRESTED | |
| CAR 417 | | | | | | | | | 9:20P M | |
| COMPLAINANT | | | | | | | | | HOW ARREST MADE | |
| | | | | | | | | | UNVIEW X | |
| | | | | | | | | | CALL | |
| | | | | | | | | | WARRANT | |
| | | | | | | | | | PHONE | |

J L ZIER JPD

OFFENSES CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED)

(A) VAGRANCY COMMON THIEF

BOND \$500.00

DISPOSITION

(A)

(B)

(C)

(D)

WITNESS

NONE

ARRESTING OFFICER

BADGE NO.

J L ZIER 98' 4-3

SEARCHING OFFICER

STANLEY

BOOKING OFFICER

REHANSEN

DATE AND TIME TO APPEAR IN COURT

19 MAR 69 8:30A

PROPERTY SIGNED FOR BY

M

PRISONER RELEASED ON

IN SUM OF

TIME

APP BOND

\$500.00

DKT

CONTINUED DATE

DATE

18 MAR 69

ARFLIN BONDING CO. REH

ABOVE BOND DELIVERED TO ME

PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, YEAR MAKE TAG, NARRATIVE)

NONE

RT INDEX PRINT

FORM P-002 (REV 10-68)

170057

Refunded

3-28-69

L.A. # 609

01

In the Municipal Court of the City of Jacksonville, Duval County,

State of Florida

CHARGE

THE CITY OF JACKSONVILLE

VAGRANCY COMMON THIEF

VL. WM 25

Henry Edward Heath

Defendant

Defendant arrested by officer J. L. Zier The Chief of Police took from the defendant \$500.00 AP Arflin Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the day of and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be estreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said the sum of Dollars, for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

Defendant being arraigned for trial on the 18th day of March, 1969,
Continued until March 27, 1969

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. L. Zier

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$

Bondsmen

SATISFACTION OF JUDGMENT
ASSESSING FINEJacksonville, Fla.,

RECEIVED the sum of Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant

Henry Edward Heath

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 days, and is so committed.

To pay a fine of Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail

from the defendant \$500.00 AP Affin Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be forfeited, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court (Recorder) Judge Municipal Court
Defendant being arraigned for trial on the 18th day of March, 1969
Continued until March 27, 1969

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. L. Zier

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$

Bondsman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant Henry Edward Heath

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 days, and is so committed.

to pay a fine of _____ Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

Attest: Charles J. Heath (Recorder) Judge Municipal Court
Deputy Clerk Municipal Court

From the above judgement and sentence the said _____ day of _____
appealed to the Circuit Court in and for Duval County, on the _____ day of _____
and gave bond with _____ sureties, in the sum of _____ Dollars,
as required by law, which was approved.

Attest:

Clerk Municipal Court (Recorder) Judge Municipal Court

ARREST NUMBER **05976**

| | | | | | | | | | |
|---------------------------------|--------|------------|---------------|-----------------|------------|-----------------------------|-----------|-------------|------|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ADDRESS) | | DAY OF WEEK | |
| CAMPBELL | | THOMAS | | OWEN | | | | FRI. | |
| ADDRESS | | DATE | | TIME BOOKED | | | | | |
| 5738 BLACKTHORN RD. | | 18 APR 69 | | 2:00 A.M. | | | | | |
| BACK | SEX | AGE | DATE OF BIRTH | PLACE OF BIRTH | OCCUPATION | LABORER | CARPENTER | NATIONALITY | AMER |
| W | M | 26 | 3-15-43 | MILAMI, OKLA. | | | | | |
| HEIGHT | WEIGHT | BUILD | HAIR | EYES | COMP. | SCARS, TATTOOS, AMPUTATIONS | | | |
| 5'7" | 145 | AV | BR | BL | Pin | | | | |
| DESCRIPTION AND FINGERPRINTS BY | | | | | | TIME | | | |
| J.L.ZIER | | | | | | 2:10 AM | | | |
| WHERE ARRESTED | | BEAT NO. | | TIME ARRESTED | | | | | |
| 5738 BLACKTHORN RD. | | 125 | | 12:25 A.M. | | | | | |
| TRANSPORTED BY | | JPS IS NO. | | HOW ARREST MADE | | | | | |
| CAR 418 | | 103-255 | | ON VIEW | | | | | |
| COMPLAINANT | | JPD | | WARRANT D | | PHONE | | | |

OFFENSES CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED)

(A) VAGRANCY - COMMON THIEF, **30 Days**

(C) POSSESSION OF BURGLARY TOOLS, (STATE CASE) **NC, Noll Pous.**

(C) **Exp. Bond 1000.00**

| | | | |
|----------------------------------|-----------|----------------------------|-----------------|
| WITNESS | | (D) | |
| D.R. WHITE | | JPD | |
| ARRESTING OFFICER | BADGE NO. | SEARCHING OFFICER | BOOKING OFFICER |
| J.L.ZIER 98 | 4-4 | HILTON | J.M.WHALEY |
| DATE AND TIME TO APPEAR IN COURT | | PROPERTY SIGNED FOR BY | |
| 18 APR 69 8:30A. M | | | |
| PRISONER RELEASED ON | | IN SUM OF | |
| | | 500 | |
| BY (SIGNATURE) | | ABOVE BOND DELIVERED TO ME | |
| | | | |
| CONTINUER DATE | | 4-2-69 | |

PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, TEAR, MARK TAG) NARRATIVE

5138. CASH, 5 CREDIT CAR DS, WATCH, KEYS, CAPT. DANSON 5-1

5 S. PLATE KNIFE,

EVIDENCE:

ONE JIMMIE - BAR 12" RED & BLACK

| |
|----------------|
| AT INDEX PRINT |
| |
| |
| |
| |

FORM 7-600 (REV 10-60)

Adminded 19 775

5-1-69

(1969)

CASE

In the Municipal Court of the City of Jacksonville, Duval County

State of Florida

CHARGE

THE CITY OF JACKSONVILLE

VAGRANCY - Common Thief.....

Possession of Burglary Tools.....

VS. WM 26

Thomas Owen Campbell

Defendant

Defendant arrested by officer J. L. Zier The Chief of Police took from the defendant \$500 AP Arfelin Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, ~~That~~ the said bond be estreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

Defendant being arraigned for trial on the 18th day of April 1969

Continued until May 1, 1969, April 24, 1969

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. L. Zier

Names of Witnesses Sworn for the Defendant

Received of the Recorder

Return of \$

Bondsmen

After hearing the evidence and duly considering the same, the Court finds the defendant

Thomas Owen Campbell

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of _____ (a) 30 DAYS C/S (b) Not Pros

_____ days, and is so committed.

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

from the defendant \$500 AP Arflin Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the day of and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be forfeited, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said the sum of Dollars, for which let execution issue.

Attest:

Clerk Municipal Court (Recorder) Judge Municipal Court

Defendant being arraigned for trial on the 18th day of April 1969
Continued until MAY 1, 1969, April 24, 1969

and entered a plea of NOT guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

J. L. Zier

Names of Witnesses Sworn for the Defendant

Received of the Recorder

Return of \$

Bondsman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,

RECEIVED the sum of Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant

Thomas Owen Campbell

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

(a) 30 DAYS C/S (b) Not Pros To imprisonment in the city jail for a term of days, and is so committed.

To pay a fine of Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

By Deputy Clerk Municipal Court (Recorder) Judge Municipal Court

From the above judgement and sentence the said appealed to the Circuit Court in and for Duval County, on the day of and give bond with sureties, in the sum of Dollars,

as required by law, which was approved.

Attest:

Clerk Municipal Court (Recorder) Judge Municipal Court

| | | | | | | | | | |
|---|--|------------------------|--|----------------------------|--|-----------------|--|------------------|--|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ALIAS) | | DAY OF WEEK | |
| PAPACHRISTOU, | | MARGARET | | MC | | COY | | SUN. | |
| ADDRESS | | 9157 SECOND AVE. | | DATE | | 20 APR 69 | | TIME BOOKED | |
| NAME | | SEX | | AGE | | DATE OF BIRTH | | PLACE OF BIRTH | |
| W | | F | | 23 | | 1-21-46 | | JAX. FLA. | |
| WEIGHT | | BUILD | | HAIR | | EYES | | CORP. | |
| 6' 149 | | 140 | | Blond | | Blue | | Hazel | |
| DESCRIPTION AND FINGERPRINTS BY | | TIME | | OCCUPATION | | NATIONALITY | | AMER | |
| J.W. Rogers | | 4:40 A M | | STUDENT | | AMER | | AMER | |
| WHERE ARRESTED | | BEAT NO. | | TIME ARRESTED | | 1115 | | 2:20A, M | |
| U.S. 91 SOUTH OF SOUTEL DRIVE, | | JPD ID NO. | | HOW ARREST MADE | | ON VIEW | | WARRANT | |
| 1115 | | ? | | 1115 | | CALL | | PHONE | |
| COMPLAINANT | | ADDRESS | | DISPOSITION | | (A) | | (B) | |
| H. HARDING & L.V. HAYES JPD | | BOND \$500. | | 15 | | (C) | | (D) | |
| OFFENSE CHARGED (ENTER'S LICENSE NUMBER WHERE INDICATED) | | APPEAL Bond | | BOND \$500. | | (A) | | (B) | |
| (A) VAGRANCY, PROWLING BY AUTO. | | 8500 | | (C) | | (D) | | (E) | |
| (B) | | (C) | | (D) | | (E) | | (F) | |
| (C) | | (D) | | (E) | | (F) | | (G) | |
| (D) | | (E) | | (F) | | (G) | | (H) | |
| WITNESS | | ARRESTING OFFICER | | SEARCHING OFFICER | | BOOKING OFFICER | | DEFENSE ATTORNEY | |
| H.D. HARDING 157 4-1 | | JOANNE ALLEN | | J.M. WHALEY | | J.M. WHALEY | | DEFENSE ATTORNEY | |
| DATE AND TIME TO APPEAR IN COURT | | PROPERTY SIGNED FOR BY | | TIME | | CONTINUED DATE | | 4-50 | |
| 21 APR 69 | | 8:30A. M | | IN S.D. OF | | M | | 4-50 | |
| PRISONER RELEASED ON | | BY (SIGNATURE) | | ABOVE BOND DELIVERED TO ME | | TIME | | 4-50 | |
| DATE | | BY (SIGNATURE) | | ABOVE BOND DELIVERED TO ME | | TIME | | 4-50 | |
| PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, YEAR, MAKE, TAG) | | NARRATIVE | | SGT. HODGES... | | 8 AM | | 5-8 | |
| \$4. CASH, NECKLACE, RAZOR RING, B.C. PILLS | | PURSE AND CONTENTS... | | TOTAL BOND \$500. | | AT INDEX, PRINT | | AT INDEX, PRINT | |

In the Municipal Court of the City of Jacksonville, Duval County

State of Florida
THE CITY OF JACKSONVILLE

CHARGE

Vagrancy; Prowling by Auto

vs. WF 23

Margaret M. Papachristou.....
Defendant

Defendant arrested by officer H. Harding & L.V. Hayes The Chief of Police took from the defendant..... Dollars, as security for his appearance before the

City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be forfeited, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court _____ (Recorder) _____ Judge Municipal Court
Defendant being arraigned for trial on the 21st day of April
Continued until April 30th, 1969 May 8th, 1969
and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Harding & L.V. Hayes

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$

Bondman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant

Margaret M. Papachristou

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 15 Days _____ days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and defaults whereof being

from the defendant _____ Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be forfeited, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court _____ (Recorder) _____ Judge Municipal Court
Defendant being arraigned for trial on the 21st day of April
Continued until April 30th, 1969 May 8th, 1969
and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Harding & L. V. Hayer
.....
.....

Names of Witnesses Sworn for the Defendant

Unknown
.....
.....

Received of the Recorder

Return of \$ _____
_____ Bondman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla., _____
RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____
Margaret M. Papachristou _____
guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 15 Days _____ days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

By _____ Deputy Clerk Municipal Court _____ (Recorder) _____ Judge Municipal Court

From the above judgement and sentence the said _____
appealed to the Circuit Court in and for Duval County, on the _____ day of _____
and gave bond with _____ sureties, in the sum of _____ Dollars,
as required by law, which was approved.

Attest:

Clerk Municipal Court _____ (Recorder) _____ Judge Municipal Court.

| | | | | | | | | | | | | | | | | | |
|---------------------------------|--|--------|--|---------------------|--|---------------|--|----------------|--|--------------|--|-----------------------------|--|---------------|--|-------------|--|
| LAST NAME | | | | FIRST NAME | | | | MIDDLE | | | | (ALIASES) | | | | DAY OF WEEK | |
| CALLOWAY, BETTY JEAN | | | | | | | | | | | | | | | | SUN. | |
| ADDRESS | | | | | | | | | | | | DATE | | TIME BOOKED | | | |
| 144 SHERRY AVE. | | | | | | | | | | | | 20 APR 69 | | 4:10A.M. | | | |
| RACE | | SEX | | AGE | | DATE OF BIRTH | | PLACE OF BIRTH | | OCCUPATION | | NATIONALITY | | | | | |
| W | | F | | 2 | | 12-3-45 | | JAX, FLA | | OCC. THERAPY | | AMER | | | | | |
| HEIGHT | | WEIGHT | | BUILD | | HAIR | | EYES | | CONF. | | SCARS, TATTOOS, AMPUTATIONS | | | | | |
| 5-2 | | 135 | | MED | | BLOND | | BLUE | | FAIR | | | | | | | |
| DESCRIPTION AND FINGERPRINTS BY | | | | | | | | | | | | TIME | | | | | |
| J.W. RACON | | | | | | | | | | | | 4:37A | | M | | | |
| WHERE ARRESTED | | | | | | | | | | | | SEAT NO. | | TIME ARRESTED | | | |
| U.S. #1 SOUTH OF SOUTEL DRIVE. | | | | | | | | | | | | 1115 | | 2:20A. M | | | |
| TRANSPORTED BY | | | | SOCIAL SECURITY NO. | | | | JPD IN NO. | | | | HOW ARREST MADE | | | | | |
| CAR 1103 | | | | 4 | | | | 188-514 | | | | ON VIEW | | | | | |
| COMPLAINANT | | | | | | | | | | | | CALL D | | WARRANT D | | | |
| | | | | | | | | | | | | | | PHONE | | | |

H.D. HARDING & L.V. HAYES JR
 OFFENSES CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED) ECND4500.1A. 10 Days

(A) VAGRANCY, PROWLING BY AUTO
 (B) Appeal Bond
 (C) \$500
 (D)

ARRESTING OFFICER L.V. HAYES JR
 SEARCHING OFFICER J. W. HALEY
 H.D. HARDING 157 JIMMIE ALLEN
 DATE AND TIME TO APPEAR IN COURT 21 APR 69 3:00AM
 PRISONER RELEASED ON

DATE 21 APR 69
 BY (SIGNATURE)
 ABOVE BOND DELIVERED TO ME
 PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, YEAR, MAKE, TAG, NARRATIVE)
 NECKLACE, 3 RINGS.. PURSE & CONTENTS, S G. HODGES
 1968 CAMARO STORED AT JIMMIE'S GARAGE.. 5-8

TOTAL BOND \$500.
 BY INDEX PRINT

Refunded
 5-9-69
 ck. # 808

CASE

In the Municipal Court of the City of Jacksonville, Duval County

CHARGE

State of Florida

THE CITY OF JACKSONVILLE

Vagrancy - Prowling by Auto.....

vs. WF 22

Batty Jean Calloway.....
Defendant

Defendant arrested by officer H.D. Harding The Chief of Police took
from the defendant \$500.00 AP Arflin Dollars, as security for his appearance before the
City Court. Said defendant being called for trial on the day of
and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be
extreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from
the said the sum of Dollars,
for which let execution issue.

Attest:

Clerk Municipal Court _____ (Recorder) _____ Judge Municipal Court

Defendant being arraigned for trial on the 21st day of April 1969
 Continued until April 30th, May 8th, 1969

and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H.D. Harding

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder _____

Return of \$ _____
 _____ Bondsman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla., 7²⁰
RECEIVED the sum of Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____
Batty Jean Calloway
 guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 days S/S days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being

from the defendant \$500.00 AP Arllin Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be forfeited, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court (Recorder) _____ Judge Municipal Court

Defendant being arraigned for trial on the 21st day of April 1969
Continued until April 30th, May 8th, 1969

and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H.D. Harding

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder _____

Return of \$ _____

Bondsman _____

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla., _____

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____

Betty Jean Calloway
guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 days S/S _____ days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

Attest:

By Cecil W. Thomas _____ Judge Municipal Court
Deputy Clerk Municipal Court (Recorder)

From the above judgement and sentence the said _____
appealed to the Circuit Court in and for Duval County, on the _____ day of _____
and gave bond with _____ sureties, in the sum of _____ Dollars,
as required by law, which was approved.

Attest:

Clerk Municipal Court (Recorder) _____ Judge Municipal Court
Attest: _____ A.D.

| | | | | | | | | | |
|---------------------------------|--|---------------------|--|-----------------------------|--|-------------|--|---------------|--|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ALLIAGES) | | DAY OF WEEK | |
| MELTON, EUGENE | | EDDIE | | | | | | SUNDAY | |
| ADDRESS | | DATE OF BIRTH | | PLACE OF BIRTH | | OCCUPATION | | NATIONALITY | |
| 740 W ORANGE STREET | | 19AUG44 | | BALTIMORE, MD | | STUDENT | | AMER | |
| RACE | | AGE | | HAIR | | EYES | | DATE | |
| N | | 24 | | Dark | | Brown | | 20APR69 | |
| WEIGHT | | BUILD | | SCARS, TATTOOS, AMPUTATIONS | | TIME BOOKED | | TIME ARRESTED | |
| 195 | | Slender | | None | | 3:45A M | | 2:20A | |
| 6'4" | | 195 | | 6'4" | | 3:50A M | | M | |
| DESCRIPTION AND FINGERPRINTS BY | | TIME | | HOW ARREST MADE | | ON VIEW | | WARRANT | |
| M. H. Mahoney | | 3:50A M | | 188-308 | | CALL | | PHONE | |
| WHERE ARRESTED | | SOCIAL SECURITY NO. | | ADDRESS | | BEAT NO. | | TIME ARRESTED | |
| US 916 SOUTEL DRIVE | | .L | | 188-308 | | 1115 | | 2:20A | |
| TRANSPORTED BY | | 1108 | | 1108 | | 1115 | | 2:20A | |
| COMPLAINANT | | 1108 | | 1108 | | 1115 | | 2:20A | |

In the Municipal Court of the City of Jacksonville, Duval County

State of Florida

CHARGE

THE CITY OF JACKSONVILLE

Vagrancy... Prowling by Auto.....

vs. NM 24

Eugene E. Melton

Defendant

Defendant arrested by officer H. Hardy

The Chief of Police took

from the defendant..... Dollars, as security for his appearance before the

City Court. Said defendant being called for trial on the _____ day of _____
and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be
attached, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from
the said _____ the sum of _____ Dollars,

for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

April 1969

Defendant being arraigned for trial on the 21st day of _____

Continued until April 30th, May 8th, 1969 _____

and entered a plea of Not _____ guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Hardy.....

Names of Witnesses Sworn for the Defendant

Unknown.....

Received of the Recorder.....

Return of \$.....

Bondsmen

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla., _____
RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____

Eugene E. Melton

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 Days S/S _____ days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being

Defendant arrested by officer The Chief of Police took
from the defendant Dollars, as security for his appearance before the
City Court. Said defendant being called for trial on the day of
and not answering or appearing, **IT IS HEREBY ORDERED AND ADJUDGED**, That the said bond be
estimated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from
the said the sum of Dollars,
for which let execution issue.

Attest:

Clerk Municipal Court (Recorder) Judge Municipal Court
Defendant being arraigned for trial on the 21st day of April 1969
Continued until April 30th, May 8th, 1969
and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Hardy

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder

Return of \$

Bondsman

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla.,
RECEIVED the sum of Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant

Eugene E. Melton
guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 Days S/S days, and is so committed.

To pay a fine of Dollars, forthwith, and default whereof being
made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail
until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

Attest:

By Paul W. Thomas (Recorder) Judge Municipal Court
Deputy Clerk Municipal Court

From the above judgement and sentence the said
appealed to the Circuit Court in and for Duval County, on the day of
and gave bond with sureties, in the sum of Dollars,
as required by law, which was approved.

Attest:

 (Recorder) Judge Municipal Court
Clerk Municipal Court
Return filed with Clerk of Appellate Court A.D.

| | | | | | | | | | |
|---|--|--------------------------------|--|------------------------|--|------------------|--|----------------|--|
| LAST NAME | | FIRST NAME | | MIDDLE | | (ALIASES) | | DAY OF WEEK | |
| JOHNSON, LEONARD | | (NMN) | | | | | | SUNDAY | |
| ADDRESS | | 1030 MADISON STREET | | DATE | | 20 APR 69 | | TIME BOOKED | |
| N M | | 124 | | 15 MAY 44 | | JACKSONVILLE FLA | | NATIONALITY | |
| HEIGHT | | WEIGHT | | BUILD | | HAIR | | EYES | |
| 6-4 | | 190 | | Tall | | Bk | | Brn | |
| DESCRIPTION AND FINGERPRINTS BY | | Tubor | | 4:00A | | M | | | |
| WHERE ARRESTED | | U S 11 E SOUTH OF SOUTEL DRIVE | | JPD ID NO. | | 186-307 | | BEAT NO. | |
| TRANSPORTED BY | | SOCIAL SECURITY NO. | | HOW ARREST MADE | | ON VIO | | WARRANT | |
| 1108 | | | | 1115 | | 2:20A | | M | |
| COMPLAINANT | | ADDRESS | | CALL | | PHONE | | | |
| OFFENSE CHARGED (DRIVER'S LICENSE NUMBER WHERE INDICATED) | | VAGRANCY- PROWLING BY AUTO | | BOND \$500.00 | | 10 Lats | | | |
| (A) | | (B) | | (C) | | (D) | | | |
| WITNESS | | L HAYES JPD | | SEARCHING OFFICER | | BOOKING OFFICER | | JOHNSTON | |
| H HARDING 157 | | DEMERS | | PROPERTY SIGNED FOR BY | | DEFENSE ATTORNEY | | | |
| DATE AND TIME TO APPEAR IN COURT | | 21 APRIL 69 | | 8:30 A | | M | | CONTINUED DATE | |
| PRISONER RELEASED ON | | BY | | IN SIGN OF | | TIME | | M | |
| DATE | | BY | | IN SIGN OF | | TIME | | M | |
| 21 APRIL 69 | | 8:30 A | | M | | 4-30 | | 3 PM | |
| PROPERTY TAKEN FROM PRISONER (INCLUDING AUTOS, YEAR, MAKE, TAG) | | NONE | | NARRATIVE | | 8 | | | |
| BY INDEX PRINT | | | | | | | | | |

In the Municipal Court of the City of Jacksonville, Duval County

State of Florida

CHARGE

THE CITY OF JACKSONVILLE

Vagrancy - Prowling by Auto.....

vs. NM 24

Leonard Johnson.....Defendant

Defendant arrested by officer H. Hayes.....The Chief of Police took
from the defendant.....Dollars, as security for his appearance before theCity Court. Said defendant being called for trial on the _____ day of _____
and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be
estimated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from
the said _____ the sum of _____ Dollars,
for which let execution issue.

Attest:

Clerk Municipal Court

(Recorder)

Judge Municipal Court

Defendant being arraigned for trial on the 21st day of April 1969Continued until April 30th, May 8th, 1969and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Hayes

Names of Witnesses Sworn for the Defendant

Unknown

Received of the Recorder _____

Return of \$ _____

Bondman _____

SATISFACTION OF JUDGMENT

ASSESSING FINE

Jacksonville, Fla., _____

RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____

Leonard Johnson

guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 Days S/S _____ days, and is so committed.

from the defendant _____ Dollars, as security for his appearance before the City Court. Said defendant being called for trial on the _____ day of _____ and not answering or appearing, IT IS HEREBY ORDERED AND ADJUDGED, That the said bond be estreated, and thereupon it is considered and adjudged that the City of Jacksonville recover of and from the said _____ the sum of _____ Dollars, for which let execution issue.

Attest:

Clerk Municipal Court (Recorder) _____ Judge Municipal Court

Defendant being arraigned for trial on the 21st day of April 1969
Continued until April 30th, May 8th, 1969

and entered a plea of Not guilty to the above charge.

Names of Witnesses Sworn for the Prosecution

H. Hayas
.....
.....

Names of Witnesses Sworn for the Defendant

Unknown
.....
.....

Received of the Recorder _____

Return of \$ _____

Bondsmen

SATISFACTION OF JUDGMENT
ASSESSING FINE

Jacksonville, Fla., _____
RECEIVED the sum of _____ Dollars
in satisfaction of this judgment.

After hearing the evidence and duly considering the same, the Court finds the defendant _____
Leonard Johnson _____
guilty of the charge; it is therefore considered and adjudged by the Court that the defendant is sentenced

To imprisonment in the city jail for a term of 10 Days S/S _____ days, and is so committed.

To pay a fine of _____ Dollars, forthwith, and default whereof being made, it is considered and adjudged by the Court that the said defendant stand committed to the city jail until said fine is paid or satisfied according to law.

S. Morgan Slaughter
Clerk of Circuit and Municipal Courts

Attest:

By Paul A. Thomas _____ Judge Municipal Court
Deputy Clerk Municipal Court

From the above judgement and sentence the said _____
appealed to the Circuit Court in and for Duval County, on the _____ day of _____
and gave bond with _____ sureties, in the sum of _____ Dollars,
as required by law, which was approved.

Attest:

Clerk Municipal Court (Recorder) _____ Judge Municipal Court

Paul A. Thomas Clerk of Appellate Courts _____ A.D.

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

No. 4806-AP
4838-AP
4836-AP
4555-AP
4854-AP
4845-AP

HUGH BROWN; JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON, and,
THOMAS CAMPBELL, APPELLANTS

vs.

CITY OF JACKSONVILLE, APPELLEE

ORDER AFFIRMING

Each of the above causes is an appeal from a conviction in the Municipal Court for the City of Jacksonville. Each appellant was convicted of vagrancy under Section 26-57, Ordinance Code, City of Jacksonville. All of these causes were consolidated for purposes of appeal proceedings, and a joint brief was filed by appellants. Appellants contend that Section 26-57, Ordinance Code, City of Jacksonville violates the Constitutions of the State of Florida and the United States of America. The contention made by the appellants was decided adversely to them in *Johnson vs. State*, 202 So.2d 852 (Fla. 1967). This Court being bound by the ruling in *Johnson vs. States*, it is upon consideration

ORDERED that the judgment and conviction entered in the Municipal Court against each appellant is affirmed.

DONE and ORDERED at Jacksonville, Florida, this 28th day of November, 1969.

/s/ Marion W. Gooding
Circuit Judge

IN THE DISTRICT COURT OF APPEAL
IN AND FOR THE FIRST DISTRICT OF FLORIDA

No. M-488

HUGH BROWN, JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON, and,
THOMAS CAMPBELL, PETITIONERS

vs.

CITY OF JACKSONVILLE, RESPONDENT

PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT
COURT FOR DUVAL COUNTY, FLORIDA

TO THE DISTRICT COURT OF APPEAL, FIRST
DISTRICT OF FLORIDA:

Petitioners, Hugh Brown, Jimmy Lee Smith, Henry Edward Heath, Margaret Papachristou, Betty Jean Calloway, Eugene E. Melton, Leonard Johnson and Thomas Campbell, present this, their petition for a writ of certiorari and state:

1. Petitioners seek to have reviewed an order of the Circuit Court for Duval County, Florida dated November 28, 1969, a copy of which is attached hereto as Exhibit A, affirming convictions entered against petitioners in the Municipal Court for the City of Jacksonville, Florida.

2. This petition is presented under and pursuant to Article 5, Section 5 of the Florida Constitution and Rule 4.5c of the Florida Appellate Rules.

3. This petition is accompanied by a certified transcript of the records of proceedings in the trial court (the Municipal Court for the City of Jacksonville) and a supporting brief.

4. The following are the facts of the case:

Petitioners were all convicted in the Municipal Court for the City of Jacksonville for the offense of vagrancy

in violation of Jacksonville Municipal Ordinance, § 26-57 (the Jacksonville vagrancy ordinance). The text of the ordinance is as follows:

"Sec. 26-57. Vagrants.

Rogues and vagabonds, or dissolute persons who go about begging, common gamblers, persons who use juggling or unlawful games or plays, common drunkards, common night walkers, thieves, pilferers, or pick-pockets, traders in stolen property, lewd, wanton and lascivious persons, keepers of gambling places, common railers and brawlers, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, disorderly persons, persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children, shall be deemed vagrants and, upon conviction in the Municipal Court shall be punished as provided for class D offenses. (Code 1942, ch. 33, § 42; Code 1953, § 27-48)."

Petitioners appealed their separate convictions to the Circuit Court for Duval County, Florida, attacking the constitutionality of the vagrancy ordinance. In the Circuit Court the appeals of all the petitioners were consolidated for the purposes of appeal proceedings in that court. This petition involves only the constitutionality of the ordinance on its face, and no detailed statement of the facts of each case is required for disposition of the challenge raised by petitioners.

5. The point of law before the Circuit Court was whether the Jacksonville vagrancy ordinance is constitutional under the Constitutions of the State of Florida and the United States of America. The case against petitioner, Hugh Brown, also raised the question of his right to resist an illegal arrest.

Circuit Judge Marion W. Gooding ruled that the vagrancy ordinance is constitutional, relying upon the deci-

sion of the Supreme Court of Florida in *Johnson vs. State*, 202 So.2d 852 (Fla. 1967), and the convictions of all appellants were affirmed.

6. The order of the Circuit Court constitutes a serious departure from the essential requirements of the law rendering that order illegal and void and further is violative of Sections 1, 8, 11, 12, 16 and 22 of the Declaration of Rights of the Constitution of the State of Florida and the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States.

WHEREFORE, petitioners request this court to grant a writ of certiorari and enter its order quashing the decision and order hereby sought to be reviewed and granting such other and further relief as shall seem right and proper to the court.

DATZ & JACOBSON

By /s/ Samuel S. Jacobson
SAMUEL S. JACOBSON
Attorney for Petitioners
320 First Bank & Trust
Building
Jacksonville, Florida

I DO CERTIFY that a copy hereof was furnished to the Office of the City Attorney, City Hall, Jacksonville, Florida, by mail, this 26th day of December, 1969.

/s/ Samuel S. Jacobson
Attorney

IN THE DISTRICT COURT OF APPEAL
IN AND FOR THE FIRST DISTRICT OF FLORIDA

No. M-488

HUGH BROWN, JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON; and,
THOMAS CAMPBELL, PETITIONERS

vs.

CITY OF JACKSONVILLE, RESPONDENT

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI

DATZ & JACOBSON
Attorney for Petitioners
320 First Bank & Trust
Building
Jacksonville, Florida

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 Point Two _____
 Conclusion _____
 Certificate of Service _____

CITATION OF AUTHORITIES

Cases

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 Alegata vs. Commonwealth, 231 N.E.2d 201 (Mass. 1967) _____
 Baker vs. Bindner, 274 F. Supp. 658 (W.D. Ky. 1967) _____
 Driver vs. Hinnant, 356 F.2d 761 (4th Cir. 1966) _____
 Easter vs. District of Columbia, 361 F.2d 50 (D.C. Cir. 1966) _____
 Fenster vs. Leary, 229 N.E. 2d 429 (N.Y. 1967) _____
 Gay vs. State, 3 So.2d 514 (Fla. 1941) _____
 Goldman vs. Knecht, 295 F.Supp. 897 (D. Colo. 1969) _____
 Graham vs. State, 447 P.2d 200 (Okla. Ct. Cr. App. 1969) _____
 Hanks vs. State, 195 So.2d 49 (3rd D.C.A. Fla. 1967) _____
 Headley vs. Selkowitz, 171 So.2d 368 (Fla. 1965) _____
 Johnson vs. State, 202 So.2d 852 (Fla. 1967) _____
 Kelley vs. United States, 298 F.2d 310 (D.C. Cir. 1961) _____
 Landry vs. Daley, 288 F.Supp. 200 (N.D. Ill. 1968) _____
 Lazarus vs. Faircloth, 301 F.Supp. 266 (S.D. Fla. 1969) _____
 Miranda vs. Arizona, 384 U.S. 436 (1966) _____
 NAACP vs. Dutton, 371 U.S. 415 (1963) _____
 Parker vs. Municipal Judge of City of Las Vegas, 427 P.2d 642 (Nev. 1969) _____
 Reeves vs. State, 187 So.2d 403 (3rd D.C.A. Fla. 1966) _____
 Roberson vs. State, 29 So. 535 (Fla. 1901) _____
 Robinson vs. California, 370 U.S. 660 (1962) _____
 Shuttlesworth vs. City of Birmingham, 382 U.S. 87 (1965) _____
 State vs. Jones, 2 Cr. L. Reporter 2498 (County Court for Jefferson County, Colo. 1968) _____
 United States vs. LoBiondo, 135 F.2d 130 (2nd Cir. 1943) _____

STATUTES AND ORDINANCES

Section 26-57, Jacksonville Municipal Code _____
 § 856.02, Florida Statutes _____

STATEMENT OF CASE

Petitioners were all convicted of vagrancy in the Municipal Court for the City of Jacksonville pursuant to Section 26-57 of the Jacksonville Municipal Code. Section 26-57 reads as follows:

"Sec. 26-57. Vagrants.

Rogues and vagabonds, or dissolute persons who go about begging, common gamblers, persons who use juggling or unlawful games or plays, common drunkards, common night walkers, thieves, pilferers or pick-pockets, traders in stolen property, lewd, wanton and lascivious persons, keepers of gambling places, common railers and brawlers, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, disorderly persons, persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children, shall be deemed vagrant, and, upon conviction in the Municipal Court shall be punished as provided for class D offenses. (Code 1942, ch. 33, § 42; Code 1953, § 27-48.)"

Although each was charged separately in the Municipal Court, there were basically only five cases. In chronological order the cases were as follows:

1. Hugh Brown vs. City of Jacksonville, date of alleged offense—January 29, 1969.
2. Jimmy Lee Smith vs. City of Jacksonville, date of alleged offense—February 20, 1969.
3. Henry Edward Heath vs. City of Jacksonville, date of alleged offense—March 18, 1969.
4. Thomas Campbell vs. City of Jacksonville, date of alleged offense—April 18, 1969.
5. Margaret Papachristou, Betty Jean Calloway, Eugene E. Melton and Leonard Johnson vs. City of Jacksonville, date of alleged offense—April 20, 1969.

In the Circuit Court the cases were consolidated for appeal because each case involved basically a challenge to the constitutionality of the Jacksonville vagrancy ordinance. Petitioner Hugh Brown's case also involved a conviction and sentence for resisting arrest basically hinging on the constitutionality of his arrest.

Circuit Judge Marion W. Gooding ruled that the Jacksonville vagrancy ordinance is constitutional, basing his ruling upon the decision of the Florida Supreme Court in *Johnson vs. State*, 202 So.2d 852 (Fla. 1967).¹ Judge Gooding therefore affirmed the convictions of each petitioner; a copy of his order is attached hereto as Exhibit A.

POINTS INVOLVED

POINT ONE

The Vagrancy Ordinance of the City of Jacksonville Is Violative of Sections 1, 8, 11, 12, 16 and 22 of the Declaration of Rights of the Constitution of the State of Florida and the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the Constitution of the United States.

POINT TWO

(presented only by the Hugh Brown case)

Hugh Brown Committed No Criminal Offense in Resisting An Unlawful, Unconstitutional Arrest.

ARGUMENT

POINT ONE

The Vagrancy Ordinance of the City of Jacksonville Is Violative of Sections 1, 8, 11, 12, 16 and 22 of the Declaration of Rights of the Constitution of the

¹ *Johnson vs. State, supra*, dealt with the Florida vagrancy statute, § 856.02, Florida Statutes. The Jacksonville vagrancy ordinance is, however, identical in substance and almost identical in wording to the Florida vagrancy statute.

State of Florida and the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the Constitution of the United States.

Petitioners contend that the Jacksonville vagrancy ordinance is unconstitutionally vague and indefinite and provides neither notice of the offense sought to be prescribed nor any ascertainable standard of guilty. They also contend that the ordinance on its face can be applied to patently non-criminal conduct and has insufficient relationship to criminality to justify classification as a criminal statute or the imposition of criminal penalties. In all these respects the ordinance violates the due process provisions of the Constitutions of the State of Florida and the United States of America and the provisions against cruel and inhuman punishment. Petitioners rely on *Lazarus vs. Faircloth*, 301 F.Supp. 266 (S.D. Fla. 1969); *Goldman vs. Knecht*, 295 F.Supp. 897 (D. Colo. 1969); *Landry vs. Daley*, 288 F.Supp. 200 (N.D. Ill. 1968); *Baker vs. Bindner*, 274 F.Supp. 658 (W.D. Ky. 1967); *Graham vs. State*, 447 P.2d 200 (Okla. Ct. Cr. App. 1969); *Fenster vs. Leary*, 229 N.E.2d 429 (N.Y. 1967); *Alegata vs. Commonwealth*, 231 N.E.2d 201 (Mass. 1967); and, *Parker vs. Municipal Judge of City of Las Vegas*, 427 P.2d 642 (Nev. 1967).

Petitioners further contend that the ordinance must be construed in light of its enforcement and utilization as an instrument for harassment and incarceration on suspicion alone. See *Shuttlesworth vs. City of Birmingham*, 382 U.S. 87 (1965); *Kelley vs. United States*, 298 F.2d 310 (D.C. Cir. 1961); *Landry vs. Daley*, 288 F. Supp. 200 (N.D. Ill. 1968); *State vs. Jones*, 2 Cr. L. Reporter 2498 (County Court for Jefferson County, Colo. 1968).

The ordinance also seeks to make criminal involuntary conditions of life based on such factors as economics, race and other involuntary circumstances and deprives persons subjected to it of equal protection of the law. See *Robinson vs. California*, 370 U.S. 660 (1962); *NAACP vs. Dutton*, 371 U.S. 415 (1963); *Driver vs. Hinnant*, 356 F.2d 761 (4th Cir. 1966); *Easter vs. District of Columbia*, 361 F.2d 50 (D.C. Cir. 1966).

The ordinance additionally violates the privilege granted in Florida and the United States against self-incrimination insofar as it requires people to offer an account of themselves. See *Miranda vs. Arizona*, 384 U.S. 436 (1966); and, *United States vs. LoBiondo*, 135 F.2d 130 (2nd Cir. 1943).

Petitioners acknowledge, however, that the Florida Supreme Court upheld the constitutionality of the Florida vagrancy statute in *Johnson vs. State*, 202 So.2d 852 (Fla. 1967). See also, *Headley vs. Selkowitz*, 171 So.2d 368 (Fla. 1965); *Hanks vs. State*, 195 So.2d 49 (3rd D.C.A. Fla. 1967); *Reeves vs. State*, 187 So.2d 403 (3rd D.C.A. Fla. 1966).

Petitioners submit, however, that the intervening interpretations cited herein with regard to the constitutional protection here in question justify departure from the previous Florida decisions listed above in the preceding paragraph.

POINT TWO

(presented only by the Hugh Brown case)

Hugh Brown Committed No Criminal Offense in Resisting An Unlawful, Unconstitutional Arrest.

For those reasons covered under Point One, the arrest of Hugh Brown was unlawful and unconstitutional. In addition, assuming the constitutionality of the Jacksonville ordinance, Brown's arrest was illegal because of the absence of any grounds or evidence to support the arrest.

Brown accordingly had a right to resist the arrest and to use such force as was reasonably necessary to effect his escape. *Alday vs. State*, 57 So.2d 333 (Fla. 1952); *Gay vs. State*, 3 So.2d 514 (Fla. 1941); *Roberson vs. State*, 29 So. 535 (Fla. 1901).

CONCLUSION

Wherefore the convictions of all the petitioners should be vacated and set aside.

Respectfully submitted,

DATZ & JACOBSON

By /s/ Samuel S. Jacobson
SAMUEL S. JACOBSON
Attorney for Petitioners
320 First Bank & Trust
Building
Jacksonville, Florida

I DO CERTIFY that a copy hereof was furnished to the Office of the City Attorney, City Hall, Jacksonville, Florida, by mail, this 26th day of December, 1969.

/s/ Samuel S. Jacobson
Attorney

APPENDIX A

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

No. 4806-AP

4838-AP

4836-AP

4555-AP

4854-AP

4845-AP

HUGH BROWN, JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON, and,
THOMAS CAMPBELL, APPELLANTS

vs.

CITY OF JACKSONVILLE, APPELLEE

ORDER AFFIRMING

Each of the above causes is an appeal from a conviction in the Municipal Court for the City of Jacksonville. Each appellant was convicted of vagrancy under Section 26-57, Ordinance Code, City of Jacksonville. All of these causes were consolidated for purposes of appeal proceedings, and a joint brief was filed by appellants. Appellants contend that Section 26-57, Ordinance Code, City of Jacksonville violates the Constitutions of the State of Florida and the United States of America. The contention made by the appellants was decided adversely to them in *Johnson vs. State*, 202 So.2d 852 (Fla. 1967). This court being bound by the ruling in *Johnson vs. State*, it is upon consideration

ORDERED that the judgment and conviction entered in the Municipal Court against each appellant is affirmed.

DONE and ORDERED at Jacksonville, Florida, this 28th day of November, 1969.

/s/ Marion W. Gooding
Circuit Judge

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA, FIRST DISTRICT

No. M-488

HUGH BROWN, JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON and
THOMAS CAMPBELL, PETITIONERS

vs.

CITY OF JACKSONVILLE, RESPONDENT

PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT
COURT FOR DUVAL COUNTY, FLORIDA

BRIEF OF RESPONDENT

WILLIAM L. DURDEN

Special Counsel

DAVID U. TUMIN

Assistant Counsel

1300 City Hall

Jacksonville, Florida 32202

Attorneys for Respondent

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| Brinson v. Tharin, 99 Fla. 696, 127 So. 313 (1930) | _____ |
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| Des Rocher & Watkins Towing Co. v. Third Nat. Bank, 106 Fla. 466, 143 So. 768 (1932) | _____ |
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| Johnson v. State, 202 So.2d 852 (1967) | _____ |
| Kinsey v. Davis, 154 Fla. 889, 19 So.2d 323 (1944) | _____ |
| Morris v. State, 110 Fla. 95, 148 So. 182 (1933) | _____ |
| Nation v. State, 155 Fla. 858, 22 So.2d 219 (1945) | _____ |
| Skipper v. Schumacher, 118 Fla. 867, 160 So. 357 (1935), cert. denied, 296 U.S. 578, 56 S.Ct. 88, 88 L.Ed. 408 | _____ |
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|---|-------|

Florida Statutes

| | |
|-------------------|-------|
| Section 856.02 | _____ |
| Section 924.08(3) | _____ |

STATEMENT OF THE CASE

Respondent accepts the statement of the case as set forth by petitioners.

POINT INVOLVED

Respondent respectfully rephrases petitioners' Points Involved to read as its following Point Involved:

Whether or Not Common Law Certiorari Is Available to Review the Affirmance By the Court of Final Appellate Jurisdiction Where Said Court of Final Appellate Jurisdiction Proceeded Within Its Constitutional Jurisdiction and the Procedures Were Regular and According to the Essential Requirements of Law.

ARGUMENT

POINT INVOLVED

Common Law Certiorari Is Not Available to Review the Order of Affirmance By the Circuit Court Wherein Said Court of Final Appellate Jurisdiction Under the Constitution Upheld the Validity of the Vagrancy Ordinance in Accord With Prior Decisions of the Supreme Court of Florida.

Respondent respectfully rephrases the petitioners' Points Involved in order to initially direct this Court's attention to the patent factor that the Court is without jurisdiction to consider the present cause because of the restricted nature of common law certiorari proceedings in this Court. As set forth by the petitioners, the convictions all stemmed for vagrancy under an ordinance of respondent, which ordinance is for all intents and purposes identical to Section 856.02, Florida Statutes. Said convictions were then appealed to the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, which Court has *final appellate jurisdiction* of all cases arising in municipal courts pursuant to Articles V, Section 6(3), Constitution of the State of Florida. Section

924.08(3), Florida Statutes, also clearly provides that appeals lie to circuit courts from municipal court cases.

As stated by this Court in *State v. Smith*, 118 So.2d 792 (1960), at page 795:

"As to those cases where the Constitution affords final appellate jurisdiction in the circuit courts, *certiorari may not be used in this court for the purpose of securing a second appeal, nor to produce the merits for review on appeal. The writ may not be used to review and affirm or reverse the judgment of a circuit court made in the exercise of its final appellate jurisdiction*, but requires that the judgment be either quashed, or the writ of certiorari dismissed." (Emphasis supplied)

This Court continued and recognized that certiorari "... is a common law writ issuing in the sound judicial discretion of the court to an inferior court, not to take the place of an appeal, but to cause the entire record of the inferior court to be brought up in order that it may be determined from the face thereof whether the inferior court has exceeded its jurisdiction, or has not proceeded according to the essential requirements of law." The strict limitations of common law certiorari must preclude the petitioners from obtaining a second review of the identical issues so thoroughly reviewed by the Circuit Court in the exercise of its final appellate jurisdiction.

The Supreme Court of Florida in *Boyd v. County of Dade*, 123 So.2d 323, 326 (1960), specifically recognized that circuit courts have final appellate jurisdiction over all cases arising in municipal courts.

The present petitioners are now attempting to make the writ of certiorari serve the purpose of an ordinary appellate proceeding. Even the sparse record furnished this Court clearly indicates that the issue now being presented as to the validity of the vagrancy ordinance was carefully presented and carefully studied on appeal in the Circuit Court, with that body of final appellate jurisdiction concurring in the conclusion of the Supreme Court of Florida in *Johnson v. State*, 202 So.2d 852 (1967), wherein the Supreme Court of Florida had up-

held the validity and constitutionality of the vagrancy statute, Section 856.02, *supra*. Stated the Court in *Johnson v. State*:

"We have considered the briefs, arguments and authorities cited and conclude the trial court correctly held Florida Statute, § 856.02, F.S.A. to be constitutional, see *Headley v. Selkowitz*, 171 So.2d 368, 12 A.L.R.3d 1443 (1965); *City of St. Petersburg v. Calback*, 114 So.2d 316 (Fla.App.2d 1959); *State, ex rel. Green v. Capehart*, 138 Fla. 492, 189 So. 708 (1939). Appellant's conviction must be upheld, *Rinehart v. State*, 114 So.2d 487 (Fla.App.2d 1959), certiorari dismissed 365 U.S. 849, 81 S.Ct. 812, 5 L.Ed.2d 813 (1961); *Sutherland v. State*, 167 So.2d 236 (Fla.App.2d 1964), certiorari denied 173 So.2d 148 (1965)."

Petitioners acknowledge quite candidly that prior decisions have succinctly upheld the constitutionality of the Florida vagrancy statute. They frankly admit that they seek a new determination of the issue despite the well settled Florida approval of the vagrancy statute as against similar constitutional attacks.

Because of the limited jurisdiction of certiorari, it would appear that this cause is improperly before this Court as an attempt to make the writ of certiorari serve the purpose of an ordinary appellate proceeding, by gaining an impossible *second* appeal. Such utilization of certiorari has long been precluded under the rulings found in *Morris v. State*, 110 Fla. 95, 148 So. 182 (1933); *State v. Smith*, *supra*; *Des Rocher & Watkins Towing Co. v. Third Nat. Bank*, 106 Fla. 466, 143 So. 768 (1932); *Vanderpool v. Spruell*, 104 Fla. 347, 139 So. 892 (1932); and *Brinson v. Tharin*, 99 Fla. 696, 127 So. 313 (1930).

Moreover, when the appeal was taken, all questions that might have been raised were concluded by affirmance, according to well established rules of Florida appellate practice. See *Skipper v. Schumacher*, 118 Fla. 867, 160 So. 357 (1935), cert. denied, 296 U.S. 578, 56 S.Ct. 88, 80 L.Ed. 408; *Kinsey v. Davis*, 154 Fla. 889, 19 So.2d 323 (1944); *Hart v. State*, 149 Fla. 388, 5 So.

2d 866 (1942). This principle should logically apply to appeals to the Circuit Court, which court had final appellate jurisdiction of this cause under the state Constitution.

To review the final appeal to the Circuit Court would be to pit the judgment of this Court against that of the court having final appellate jurisdiction, a practice which the Constitution never contemplated nor provided for under the reasoning found in *American Nat. Bank of Jacksonville v. Marks Lumber & Hardware Co.*, 45 So.2d 336 (1950). From the aforesaid, the petitioners' issue should not be properly heard by this Court through a petition for writ of certiorari.

Moreover, it is a well settled rule of law in Florida that this Court is without jurisdiction on certiorari unless there is a showing to the lower court proceeded either without jurisdiction or proceeded beyond the essential requirements of law. See *American National Bank of Jacksonville v. Marks Lumber & Hardware Co.*, supra; *Benton v. State*, 74 Fla. 30, 76 So. 341 (1917). Such rule must logically govern in the District Court of Appeal as well as in the Supreme Court of Florida. The case of *Cacciatore v. State*, 147 Fla. 758, 3 So.2d 584 (1941), must preclude review by certiorari in the present cause wherein the Court stated at page 586:

"It is settled law that the Supreme Court of Florida had power to review and quash on the common law writ of certiorari the orders and proceedings of inferior courts *when they proceed in a cause without jurisdiction, or when their procedure is essentially irregular and not according to the essential requirements of law and when no appeal or direct method of reviewing the order or proceedings exists.*" (Emphasis supplied) (citing cases)

It should be noted that the rule requires that the lower court must have *proceeded* in a cause without jurisdiction or that the lower court's procedure be essentially irregular and not according to the essential requirements of law. An additional qualification to the latter require-

ment is to the effect that no appeal or direct method of review of the order or proceedings exist. In the case at bar, there was an appeal and the lower court quite properly had jurisdiction; and the procedure followed therein was essentially quite proper in accordance with the necessary requirements of law.

Moreover, the Supreme Court of Florida in *Nation v. State*, 155 Fla. 858, 22 So.2d 219 (1945), discussed a similar issue as appears in the case at bar as to the proper use of a writ of certiorari. The Court therein recognized that certiorari was not to give a party a second appeal, but only to cause the record to be brought up in order that a superior court may determine from the *face of the record* whether the inferior court had exceeded its jurisdiction or had not *proceeded* in accordance with the essential requirements of law.

Moreover, petitioners overlook the long standing rule concerning certiorari found in *Morris v. State*, supra, that this Court on certiorari cannot quash a judgment *merely* because reversible error was committed. The Court continued and again stated that the error complained of must be something more than simply reversible error, in that it must be so flagrant as to constitute a departure from the essential requirements of law with respect to *procedural* steps necessary to be taken or followed in order to administer justice according to controlling and indispensable rules of law. The Supreme Court therein cited some of the authority upon which respondent has relied above.

Both the petition and the brief in support thereof further raise as a second question the sufficiency of evidence to sustain a conviction relating to one petitioner, Hugh Brown. Such overlooks the long standing rule that certiorari proceedings are not available to review alleged error in the admission of evidence or to review the sufficiency of the evidence as found in *Des Rocher v. Third Nat. Bank*, supra, and *Benton v. State*, supra. Thus, again, the record establishes the present attempt is beyond the jurisdictional limitations of common law certiorari review. Moreover, as pointed above, *Johnson v.*

State, supra, clearly reduces the contention as to the invalidity of the vagrancy ordinance to a nullity.

CONCLUSION

The petition for writ of certiorari should be dismissed, or alternatively, the judgment of the Circuit Court as the court of final appellate jurisdiction approved.

Respectfully submitted,

/s/ William L. Durden
WILLIAM L. DURDEN
Special Counsel

/s/ David U. Tumin
DAVID U. TUMIN
Assistant Counsel

CERTIFICATE OF SERVICE

I DO CERTIFY that a copy hereof has been furnished to Samuel S. Jacobson, Esquire, of Datz & Jacobson, 320 First Bank & Trust Building, Jacksonville, Florida, attorney for petitioners, by United States mail, this 22nd day of January, 1970.

/s/ David U. Tumin
Attorney

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA
JANUARY TERM, A. D. 1970

Case No. M-488

HUGH BROWN, JIMMY LEE SMITH, HENRY EDWARD
HEATH, MARGARET PAPACHRISTOU, BETTY JEAN CAL-
LOWAY, EUGENE E. MELTON, LEONARD JOHNSON and
THOMAS CAMPBELL, PETITIONERS

vs.

CITY OF JACKSONVILLE, RESPONDENT

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
PETITION AND DISPOSITION THEREOF IF FILED

Opinion filed June 9, 1970.

On Petition for Writ of Certiorari; Original Jurisdiction.
Datz & Jacobson, Jacksonville; for Petitioners.

William L. Durden, Special Counsel, and David U. Tu-
min, Assistant Counsel; for Respondent.

RAWLS, J.

By petition for writ of certiorari, eight petitioners
seek review of an order of the Circuit Judge affirming
their convictions in the Jacksonville Municipal Court for
violation of the vagrancy ordinance, to wit:

Sec. 26-57. Vagrants.

"Rogues and vagabonds, or dissolute persons who go
about begging, common gamblers, persons who use
juggling or unlawful games or plays, common drunk-
ards, common night walkers, thieves, pilferers or
pick-pockets, traders in stolen property, lewd, wan-
ton and lascivious persons, keepers of gambling
places, common railers and brawlers, persons wan-
dering or strolling around from place to place with-

out any lawful purpose or object, habitual loafers, disorderly persons, persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children, shall be deemed vagrants and, upon conviction in the Municipal Court shall be punished as provided for class D offenses." (Code 1942, ch. 33, § 42; Code 1953, § 27-48).

The several appeals were consolidated in the Circuit Court where the constitutionality of the ordinance was the only issue for the eight petitioners, except that Petitioner Brown also raised the issue as to whether he had a right to resist arrest. The Circuit Judge found the ordinance constitutional, relying upon *Johnson v. State*, 202 So.2d 852 (Fla. 1967), and affirmed the convictions.

Petitioners' contention is based primarily upon *Lazarus v. Faircloth*, 301 F.Supp. 266 (S.D. Fla. 1969). They contend that this federal decision has in effect overruled the Florida Supreme Court's decision in *Johnson v. State*, supra, which upheld the constitutionality of Section 856.02, Florida Statutes, since the subject ordinance is in all material respects identical in verbiage to the statute. A decision of a Federal District Court, while persuasive if well reasoned, is not by any means binding on the courts of a state. The Supreme Court of Florida is the apex of the judicial system of the State of Florida, and its decisions are binding upon this court.

As to Brown's contention that no criminal offense is committed in resisting an unlawful and unconstitutional arrest, our conclusion as to the validity of the ordinance disposes of that contention.

Further, as ably argued by the City, first appellate jurisdiction of all cases arising in municipal courts is vested in the Circuit Court pursuant to provisions of Article V, Section 6(3), Constitution of the State of Florida. This Court in *State v. Smith*, 118 So.2d 792, 795 (Fla. App. 1st 1960), held:

"As to those cases where the Constitution affords final appellate jurisdiction in the circuit courts, certiorari may not be used in this court for the purpose of securing a second appeal, nor to produce the merits for review on appeal. The writ may not be used to review and affirm or reverse the judgment of a circuit court made in the exercise of its final appellate jurisdiction, but requires that the judgment be either quashed, or the writ of certiorari dismissed."

Petitioners are obviously attempting to secure a second appeal by means of common law writ of certiorari to review the judgment of the Circuit Court which exercised its final appellate jurisdiction. The writ will issue only where the inferior court has exceeded its jurisdiction or has not proceeded according to the essential requirements of the law. The Circuit Court sitting as an appellate court did not exceed its jurisdiction and did not depart from the essential requirements of the law, but, on the contrary, properly followed the decision of the highest appellate court of this State, *Johnson v. State*, *supra*.

The petition for writ of certiorari is dismissed.

JOHNSON, Chief Judge, and SPECTOR, J., CONCUR.

M A N D A T E

From

DISTRICT COURT OF APPEAL OF FLORIDA
FIRST DISTRICT*To the Honorable, the Judges of the Circuit Court for
the Fourth Judicial Circuit of Florida. Greetings:*

WHEREAS, Lately in the Circuit Court of The
Fourth Judicial Circuit for the County of Duval in a
cause therein styled:

Case Nos. 4806-AP, 4836-AP
4845-AP, 4555-AP
4854

CITY OF JACKSONVILLE

vs.

HUGH BROWN, ET AL.

the Orders of said Court was rendered November 28,
1969, as appears by inspection of the pertinent record
of the said Court in said cause, which was brought into
the District Court of Appeal of Florida, First District,
by virtue of proceedings agreeable to the laws of said
State in such case made and provided;

AND WHEREAS, the said cause came on to be heard
before the said District Court, in consideration whereof,
on June 9, 1970, the said District Court rendered its
opinion and judgment in said cause as per copy thereof
hereto attached and made a part hereof, therefore:

It is Ordered by the Court that the _____
do have and recover of and from the _____
_____ costs in this behalf expended herein taxed, at
Twenty Five Dollars, and that all costs shall be taxed in
the said lower court; and

• YOU ARE HEREBY COMMANDED, That such fur-
ther proceedings be had in said cause as according to

right, justice, the judgment of said Court, and the laws of the State of Florida, ought to be had, the said Orders of said Circuit Court notwithstanding.

WITNESS, The Honorable Dewey M. Johnson, Chief Judge of said District Court, and seal of said Court at Tallahassee, this 25th day of June, 1970. [SEAL]

/s/ Raymond E. Rhodes
Clerk District Court of Appeal
of Florida, First District

SUPREME COURT OF THE UNITED STATES

No. 5983, October Term, 1970

MARGARET PAPACHRISTOU, ET AL., PETITIONERS

v.

CITY OF JACKSONVILLE

On petition for writ of Certiorari to the District Court of Appeal of the State of Florida, First District.

On consideration of the motion for leave to proceed herein *in forma pauperis* and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed *in forma pauperis* be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, granted.

June 14, 1971